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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. 6:18-MJ-00236-MK

v.

TODD GIFFEN,

Defendant.

**MOTION FOR ORDER FOR
COMPETENCY EVALUATION AND
PSYCHIATRIC EXAM PURSUANT
TO 18 U.S.C. § § 4241(b) AND 4242(a)**

The United States of America, by and through Billy J. Williams, United States Attorney for the District of Oregon, and Joseph H. Huynh, Assistant United States Attorney, hereby respectfully submits this motion for an evaluation of the mental competency of defendant Todd Giffen pursuant to 18 U.S.C. § 4241(b) and a psychiatric evaluation based on defendant's notice pursuant to Federal Rule of Criminal Procedure 12.2 of his intent to rely on the defense of insanity, pursuant to 18 U.S.C. § 4242(a).

Defendant has been charged by criminal complaint with violations of 18 U.S.C. § 875(c) (threats via interstate communications) and 18 U.S.C. § 2261A (stalking). He is currently detained. Given the nature of these offenses, the Defendant's medical history and his comments and actions in his proceedings, there is reasonable cause to believe that defendant may presently be suffering

MOTION FOR ORDER FOR COMPETENCY EVALUATION

from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Therefore, a competency evaluation pursuant to 18 U.S.C. § 4241(b) should be ordered. Defense counsel has no position on this issue.

Furthermore, the defense has indicating the defendant plans to assert an insanity defense pursuant to Federal Rule of Criminal Procedure 12.2. Therefore, the government also moves for a psychiatric or psychological examination pursuant to 18 U.S.C. § 4242(a).

A psychiatric or psychological examination of defendant should be conducted by a licensed or certified psychiatrist or psychologist, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of 18 U.S.C. § 4247(b) and (c). Given that defendant is currently in custody and is a danger to the community and a risk of flight, pursuant to 18 U.S.C. § 4247(b), the defendant should be committed to the custody of the Attorney General for placement at a suitable facility for a reasonable period, not to exceed 45 days unless reasonable extensions are sought by the director of the facility, for purposes of conducting the examination

After the report is produced, the parties will file all appropriate motions with the Court.

Dated this 5th day of December 2018.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Joseph H. Huynh
JOSEPH H. HUYNH
Assistant United States Attorney